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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,743	12/04/2003	Andrew J. Szabo	SZABO 205.2	2233
10037 7590 01/04/2007. MILDE & HOFFBERG, LLP 10 BANK STREET SUITE 460 WHITE PLAINS, NY 10606			EXAMINER SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER
			2174	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/728,743

Applicant(s)

SZABO, ANDREW J.

Examiner

Steven P. Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-24 is/are allowed.
- 6) ☒ Claim(s) 25-33 and 40 is/are rejected.
- 7) ☒ Claim(s) 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. The amendment filed 10/6/06 has been entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 25-27 and 29-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Kolton et al (5590325).

4. Regarding claim 25, Kolton et al show a method for using a graphic user interface that: receives a signal relating to a graphic manipulation of a quantitative graphic representation of an output arrangement criterion from a user through the interface (Figures 4A-C, 5A-C, 7A-C, column 3 lines 50-67, column 4 lines 10-33, column 6 lines 1-20), transmitting electronic data representing the manipulation of the representation to an automated query response system (column 4 lines 36-65, column 5 lines 10-20), and receiving a

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response from the automated query response system comprising a plurality of items arranged relative to each other in dependence on the output arrangement criterion (column 5 lines 10-39, column 11 lines 30-65, column 12 lines 42-64).

5. Regarding claim 26, the quantitative graphic representation has a scale wherein the user selects a desired value based on manipulating the scale (column 6 lines 9-30).

6. Regarding claim 27, the query response system is a search engine (column 5 lines 10-20).

7. Regarding claim 29, the output criterion includes sort criterion (column 8 lines 25-45).

8. Regarding claim 30, the output criterion includes ranking criterion (column 8 lines 25-45, column 9 lines 35-65).

9. Regarding claim 31, the representation includes both an output arrangement criterion (see para 4 of this Office Action) and a quantitative modifier for a semantic query (column 10 lines 25-65).

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10. Regarding claim 32, the query response system operates on data records linked with one another and a ranking of the records depends on the links to or from other records (column 5 lines 10-30, column 9 lines 30-60).

11. Regarding claim 33, note the medium (column 3 lines 40-60).

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claim 33 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is directed to a medium which according to the specification may be just a signal transmitted through a processor. Such a medium is not statutory subject matter.

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolton et al (5590325).

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16. Regarding claim 28, in addition to that mentioned for claim 25, Kolton et al do not specifically go into the details that the data is transmitted over the Internet, but do mention transmitting data over a network to access databases. Examiner takes Official Notice that the Internet was already a common network to use at the time of the applicant's invention to access databases. It would have been obvious to a person with ordinary skill in the art to use the Internet in the invention of Kolton et al, because it would allow convenient access to databases over a network.

17. Claims 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolton et al (5590325) and Tanimizu et al (6005977).

18. Regarding claim 40, in addition to that mentioned for claim 26, note also Kolton et al show defining database query definition and output representation operation parameters of a database (column 5 lines 10-30, column 8 lines 15-55). Kolton et al do not go into the details that the representation is an icon having the graded portion and that the grade manipulation is the operation parameter, but do mention manipulating the parameter via a convenient graphical interface property. Furthermore, Tanimizu et al do show the graded portion and that the grade manipulation is the operation parameter, as a convenient graphical interface property with which to compare data (Figures 1, 6, column 3 lines 35-58, column 4 lines 35-55, column 7 lines 45-60). It would have been obvious to a person with ordinary skill in the art to have this in Kolton et al

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in an icon, because it would be a convenient graphical interface property with which to compare and manipulate data parameters.

19. Claims 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolton et al (5590325) and Ono et al (5668966).

20. Regarding claim 40, in addition to that mentioned for claim 26, note also Kolton et al show defining database query definition and output representation operation parameters of a database (column 5 lines 10-30, column 8 lines 15-55). Kolton et al do not go into the details that the representation is an icon having the graded portion and that the grade manipulation is the operation parameter, but do mention manipulating the parameter via a convenient graphical interface property. Furthermore, Ono et al do show the graded portion and that the grade manipulation is the operation parameter, as a convenient graphical interface property with which to compare and manipulate data (Figures 1, 7, 9, 11, column 10 lines 50-65, column 12 lines 45-65, column 14 lines 20-39). It would have been obvious to a person with ordinary skill in the art to have this in Kolton et al in an icon, because it would be a convenient graphical interface property with which to compare and manipulate data parameters.

21. Claim 41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

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limitations of the base claim and any intervening claims. This claim brings out receiving an output database set from the database in accordance with the database operation parameter, in which the relative arrangement of members of the output database set is responsive to manipulation of the graded representation portion by the user. These features in combination with the other elements of the claims combined are not set forth in the prior art of record.

22. Claims 1-24 are allowable over the prior art of record. These claims bring out receiving an output database set from the database in accordance with the database operation parameter, in which the relative arrangement of members of the output database set is responsive to manipulation of the graded representation portion by the user. These features in combination with the other elements of the claims combined are not set forth in the prior art of record.

23. Applicant's arguments filed have been fully considered but they are not persuasive. Note that Kolton shows that the user does perform some sort of a graphic manipulation of a representation. If claim 25 means anything more than this, then that needs to be recited in the claim. Also, the meaning of icon in the context of claim 40 is still broad. Applicant's representative is invited to contact Examiner to finish discussing the application.

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEVEN SAX
PRIMARY EXAMINER